



COMMONWEALTH OF KENTUCKY
OFFICE OF THE ATTORNEY GENERAL

RUSSELL COLEMAN
ATTORNEY GENERAL

1024 CAPITAL CENTER DRIVE
SUITE 200
FRANKFORT, KY 40601
(502) 696-5300

24-ORD-053

March 5, 2024

In re: Glenn Odom/Kentucky State Reformatory

Summary: The Kentucky State Reformatory (the “Reformatory”) violated the Open Records Act (“the Act”) when it failed to issue a response to requests within five business days of receiving the requests.

Open Records Decision

On January 18, 2024, inmate Glenn Odom (“Appellant”) submitted two similar but separate requests to the Reformatory for copies of various records related to his criminal case. The Appellant specified that the scope of his request included records related to two individuals. On February 5, 2024, having yet to receive a response from the Reformatory, the Appellant initiated this appeal.

When a public agency receives a request to inspect records, that agency must decide within five business days “whether to comply with the request” and notify the requester “of its decision.” KRS 61.880(1). Here, the Appellant submitted two requests to the Reformatory on January 18, 2024, and he claims he did not receive a response to either of those requests on or before February 5, 2024. On appeal, the Reformatory does not deny it failed to issue a timely response to the Appellant’s request. Rather, the Reformatory states it received the Appellant’s request on January 19, 2024, and issued its response on February 1, 2024, or nine business days

later.¹ Thus, the Reformatory violated the Act when it failed to respond to a request within five business days.²

A party aggrieved by this decision may appeal it by initiating an action in the appropriate circuit court under KRS 61.880(5) and KRS 61.882 within 30 days from the date of this decision. Under KRS 61.880(3), the Attorney General shall be notified of any action in circuit court, but shall not be named as a party in that action or in any subsequent proceedings. The Attorney General will accept notice of the complaint emailed to OAGAppeals@ky.gov.

Russell Coleman
Attorney General

/s/ Matthew Ray
Matthew Ray
Assistant Attorney General

#052

Distributed to:

Glenn Odom #219489
Michelle Harrison
Edward Baylous
Stephanie L. DeFrancesco
Ann Smith

¹ The Reformatory further argues that the Appellant's appeal is unperfected because he did not include a copy of the Reformatory's response to his January 18, 2024, request. However, a person seeking the Attorney General's review of an agency's alleged failure to respond to a request need provide only a copy of the request and state the agency failed to respond to it. *See* KRS 61.880(2)(a). The Appellant claims he did not receive the Reformatory's response, and the Office has previously found it is unable to resolve factual disputes between a requester and a public agency, such as whether a requester received an agency's response to his request. *See, e.g.,* 23-ORD-220. Nevertheless, the Office can conclude from the record on appeal that the Reformatory's response was untimely.

² The Reformatory denied the Appellant's requests because "it is not the custodian of the record" he requested. Under KRS 61.872(4), "[i]f the person to whom the application is directed does not have custody or control of the public record requested, that person shall notify the applicant and shall furnish the name and location of the official custodian of the agency's public records." The Reformatory suggested the Appellant submit his request to the Kentucky State Police and provided information explaining how the Appellant could submit a request to that agency.